

MGJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Letters Patent Appeal No.51 of 2007
in
Writ Petition No. 1410 of 2006
with
Civil Application No.44 of 2007

Santosh Baliram Dalvi ..Appellant

vs.

1. Bharti Ganapati Jadhav
and others ..Respondents.

Shri Sunil Dighe for applicant.
Shri N.V.Bandivadekar for respondent no.1
Shri A.A.Kumbhakoni, Associate Advocate
General with Shri A.H.Palekar, A.G.P. for
respondent no.4.

**CORAM: S.B.MHASE &
Smt.NISHITA MHATRE JJ.
12th March 2007**

P.C.

1. Heard the learned Counsel.

2. Perused the impugned order. On termination of respondent no.1 appellant is appointed, however, the termination order of respondent no.1 was found to be bad by the School Tribunal. Learned single Judge has also considered this aspect. It has transpired that the said termination order was passed at the instance of the Education Officer and the Education Officer has no such powers under the law to direct or to terminate

the services of any employee. The procedure under the law was not followed and, therefore, the matter was decided in favour of respondent no.1. The matter was thoroughly considered by the School Tribunal as also by the learned Single Judge of this Court. No interference is called for. The L.P.A. is hereby rejected.

3. In view of the rejection of the L.P.A. civil application No.44 of 2007 does not survive and hence rejected.

(Smt.NISHITA MHATRE J.)

(S.B.MHASE J.)